

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
SUBDIVISION REPORT # FPP-15-01
RIDGELINE CABINS
MAY 27, 2015

A report to the Flathead County Planning Board and Board of Commissioners regarding a request for preliminary plat approval of Ridgeline Cabins, a major subdivision that would create 15 single family residential lots which would replace Lots 37-41 within the Eagle Development Phase 3. Located south of Lakeside, the subject property is situated on the west side of Highway 93 and is accessed via Ridge Line Dr. within the Eagle's Crest Development.

The Planning Board will hold a public hearing in the Earl Bennett Building conference room at 1035 First Avenue West, Kalispell on June 10, 2015 to review the proposal and make a recommendation to the Flathead County Commission. Final action on this proposal by the governing body must be taken prior to the review deadline of July 20, 2015. Documents pertaining to this application are available for public inspection at the Flathead County Planning and Zoning Office, located in the Earl Bennett Building at 1035 First Avenue West, Kalispell, Montana.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposed subdivision is located within the advisory jurisdiction of the Lakeside Community Council (LCC). The LCC is scheduled to hold a public meeting on May 26, 2015 at 7:00 P.M. in the QRU at 201 Bill's Road, Lakeside to review the proposed request. This space is reserved for a summary of the LCC's discussion and recommendation.

UPDATE 5/27/15: The Lakeside Community Council (LCC) met on May 26, 2015 to discuss the subdivision application. LCC members were provided with a staff report and comments received after packets were sent on 5/12/2015. Staff gave a presentation which covered important aspects of the proposal and agency comments. Discussion was held regarding water sources for firefighting, clustering, and density of the Eagle's Crest Development. The council voted unanimously to recommend approval of the Ridgeline Cabins Subdivision.

B. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed subdivision on June 10, 2015 and make a recommendation to the Flathead County Board of Commissioners. This space is reserved for a summary of the Planning Board's discussion and recommendation.

C. Commission

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to July 20, 2015 which is the end of the 60 working day statutory review period. This space will contain an update regarding the Flathead County Commission review of the proposal.

II. GENERAL INFORMATION

A. Project Personnel

i. Developer/Owner

Ridgeline Cabins LLC
7135 Highway 93 S
Lakeside, MT 59922

ii. Technical Assistance

APEC Engineering Inc.
111 Legend Trail
Kalispell, MT 59901

B. Project Description

The request is for preliminary plat approval of Ridgeline Cabins, proposed to create 15 single-family residential lots over 5 existing lots created within the Eagle Development Phase 3. All lots on the 12.7 acre area would be served by a proposed public water system and Lakeside Sewer. Primary access to the subdivision would be from Ridge Line Drive with internal access to Lots 9-15 via a proposed internal subdivision road.

C. Legal Description of Subject Property

The subject property can be legally described as Lots 37-41 Eagle Development Phase 3 in Section 19 Township 26 North, Range 20 West, P.M.M., Flathead County, Montana.

D. Detailed Location

Located west of Highway 93 approximately 1.5 miles south of Lakeside, the subject property is situated along Ridge Line Drive (refer to Figure 1).

Figure 1- Subject property (highlighted yellow) and vicinity



E. Subdivision Layout Detail

i. Total Subdivision Acreage:	12.70 acres
ii. Acreage in Lots:	8.39 acres
iii. Acreage in Roads:	2.25 acres
iv. Total Park/Common Area/Open Space Acreage	2.06 net acres
v. Minimum Lot Size	.54 acres
vi. Maximum Lot Size	.87 acres
vii. Overall Gross Lot Density:	1 dwelling unit per 1.18 acres

viii. Easements

The preliminary plat indicates:

- Existing 60-foot private road and utility easements of Ridge Line Drive which will provide direct physical and legal access to the subdivision;
- Proposed 60-foot wide private road and utility easements of the proposed internal subdivision road, Ridge Line Court;
- Although not labeled on the preliminary plat, the CC&Rs in Section 7.2 *Reservation of*

Utility Easements propose a 20-foot easement for utilities around lot boundaries. This easement shall be labeled as a utility easement on the face of the final plat.

ix. Common Areas

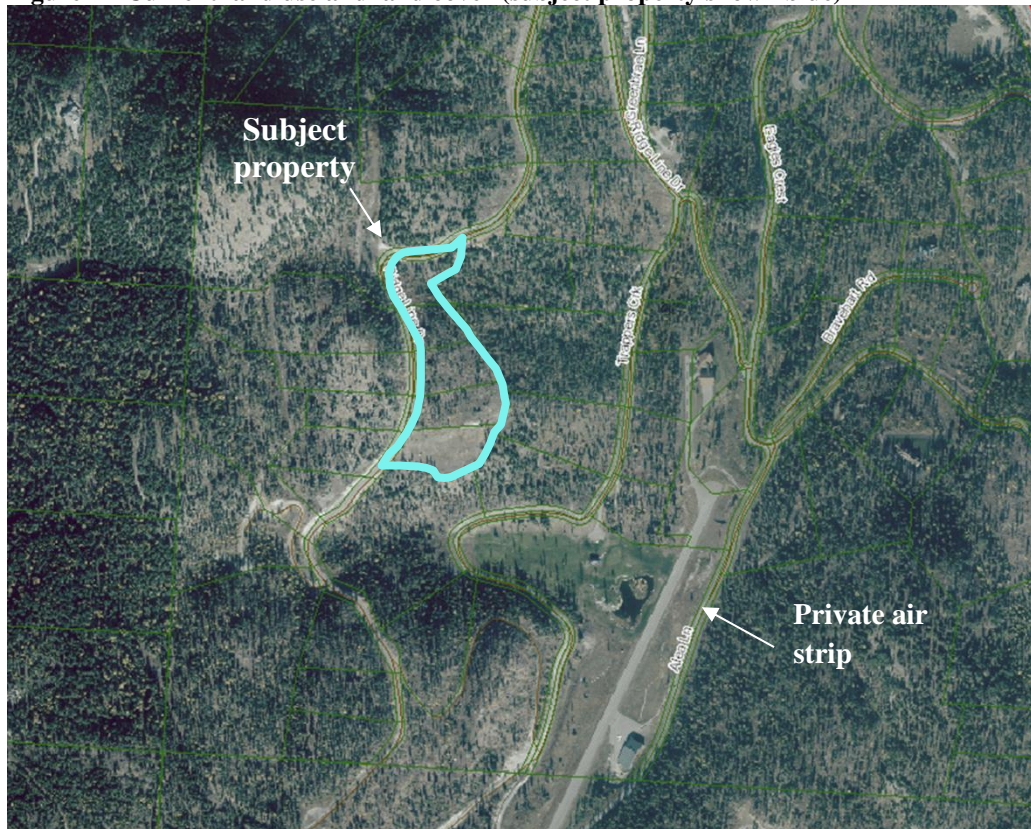
The preliminary plat shows a 2.52 acres open space/common area centrally located within the subdivision and adjacent to the proposed internal subdivision road. If the park is to be used toward the requirements outlined in Section 4.7.24(d)(ii), the CC&Rs should be amended to include explicit maintenance provisions for the common area.

F. Administrative Characteristics

i. Current Land Use

The subject property is currently forested with some residential development currently being constructed on site. While not recommended that construction take place on the property until final plat approval is granted, the developer has indicated that the structure will sit within the building envelope of the currently platted lots of Eagle Development Phase 3 and within the building envelopes of the lots as proposed at the time of sufficiency, April 24, 2015.

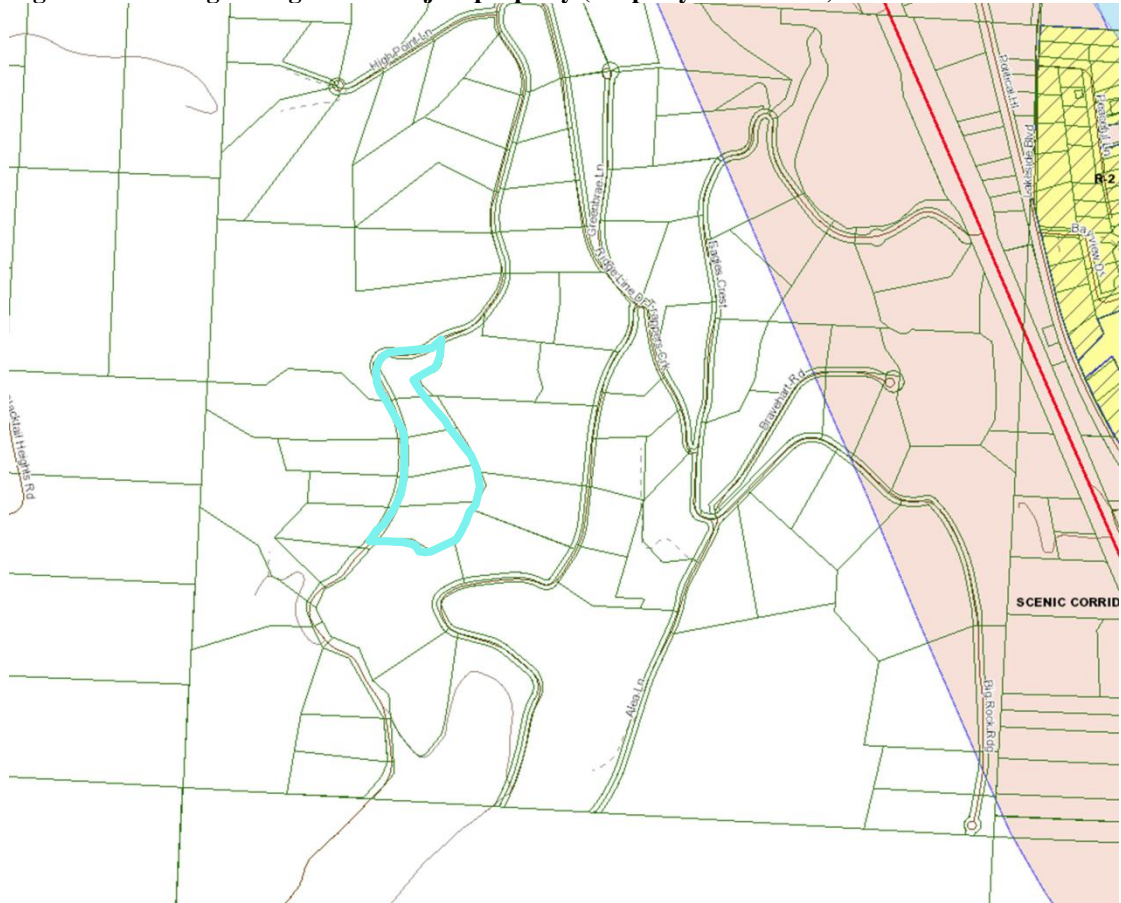
Figure 2 - Current land use and land cover (subject property shown blue)



ii. Current Zoning

Located south of Lakeside, the subject property is currently not zoned (see Figure 3).

Figure 3 - Existing zoning on the subject property (Property shown blue)



iii. Proposed Land Use

The request is for preliminary plat approval of Ridgeline Cabins, a 15-lot single-family residential subdivision planned to be developed on 12.7 acres. Approximately 2.5 acres has been dedicated as common area which shall be maintained by the HOA and as required for parkland dedication in compliance with Section 4.7.24 FCSR. All lots would be served by a proposed public water system and connect to Lakeside Sewer.

G. Area Characteristics

i. Description of Area Surrounding Proposed Subdivision

The subject property is located in an area currently comprised of undeveloped forested land with some single-family dwellings as well as a private air strip located approximately ¼ mile from the property (see Figure 2).

ii. Zoning

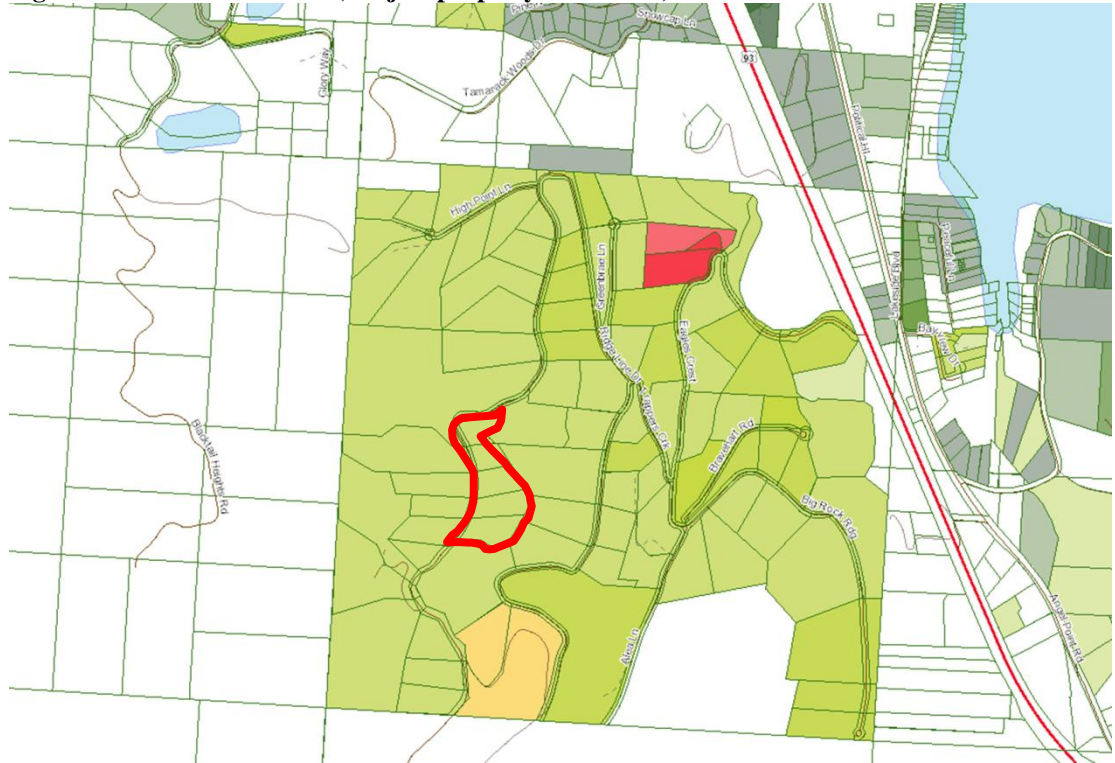
As shown in Figure 3 the subject property is unzoned and substantially surrounded by unzoned property.

iii. Land Uses

The subject property is situated in an area largely undeveloped and extensively forested. While the property is situated within platted subdivisions anticipated for single-family residential use, only a few residential structures currently exist. A private air strip is also located ¼ mile southeast of the proposed subdivision.

iv. Previously Considered Subdivisions in Area

Figure 4 - Area subdivisions (Subject property shown red)



As shown in Figure 4 above, the area is surrounded by properties within platted subdivisions. These subdivisions and their subsequent amendments include Eagle Crest Vistas, Eagle Crest Ridge, Eagle Crest Bluffs, Eagle Development Phase 2, and Eagle Development Phase 3, of which the subject property is a part. Additionally, the Eagle Crest Heights Subdivision was granted preliminary plat approval in 2006 and has received preliminary plat extensions granted to date. All of these subdivisions are located in what is locally known as the Eagle's Crest Development with one gated access for the whole development from Highway 93. Additionally, all of the above described subdivisions, with the exception of Eagle Crest Heights, are party to the Eagle Crest Homeowners Association and CC&Rs as listed in Exhibit A- Legal Descriptions of Property.

H. Utilities and Services

- i. Water**
Connection to proposed public water system
- ii. Wastewater**
Connection to Lakeside Sewer
- iii. Electricity**
Flathead Electric Cooperative
- iv. Natural Gas**
None
- v. Solid Waste**
Contract Haul
- vi. Telephone Service**
Century Tel
- vii. School District(s)**
Lakeside-Somers (K-8), Flathead High School

viii. Fire District(s)

N/A- anticipating annexation into Somers-Lakeside Fire District

ix. Police

Flathead County Sheriff's Department

III. COMMENTS RECEIVED

A. Agency Comments

The subdivision file contains a copy of the agency referral document sent on April 28, 2015. As of the date of completion of this staff report, the following comments have been received:

- Peggy Beekman-Weyant, Bonneville Power Administration (BPA)
 - The request does not appear to affect any BPA facilities and BPA has no objections to approval.
- Joe Russell, Flathead County Environmental Health Department
 - He has no concern as the lots will be served by public sewer though he thought the lots were small for the terrain.
- Wendee Jacobs, Flathead County Environmental Health Department
 - The subdivision has a previous COSA utilizing shared wells to serve water to the lots and wastewater collection via Lakeside Sewer. The proposed multi-user water supply would require review under the Sanitation in Subdivisions Act by MDEQ.
- Marc Pitman, Montana DNRC
 - Water rights, both existing and proposed, will be addressed in a request for a DNRC water right review in accordance with ARM 17.36.103(1)(s).
- Dave Prunty, Public Works/Flathead County Road Department
 - The Road Department does not have any comments on the request currently.
- Ali Ulwelling, Department of Natural Resource Management
 - DNRC would like to see house numbers at least 4 inches high and clearly visible from the road and suggested that they are printed on contrasting background of reflective materials. They also suggest having a maintenance schedule for the tanker recharge facility and would like to see an additional way out, that roads are well marked, and turn around points are present. They also want to ensure emergency responders will be able to open the entrance gate. Maintenance provisions for defensible spaces and the open space should be included in the Fuels Reduction and Fire Prevention Plan and/or CC&Rs.

B. Public Comments

In accordance with Section 4.0.14 Flathead County Subdivision Regulations (FCSR), adjacent property notification was mailed to neighboring property owners within 150 feet of the proposed subdivision on May 20, 2015, legal notice was published in the Daily Interlake on May 19, 2015, and notice of the proposal and public hearing was physically posted onsite on May 22, 2015.

As of the date of the completion of this staff report, no written public comments have been received from the general public regarding the proposal. Any written public comment received after May 27, 2015 will be summarized verbally and entered into the public record during the Planning Board hearing on June 10, 2015. Anyone wishing to provide verbal public comment may do so in person at the June 10, 2015 Planning Board hearing.

IV. LOCAL GOVERNMENT REVIEW

A. Review Criteria

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed. Definitions of primary review criteria can be found in Chapter 2 of the Flathead County Development Code.

i. Impact on Agriculture

The subject property has not historically been used for traditional agricultural but has been used for timber production by the previous owner, Plum Creek Timber Company. A site visit conducted on March 27, 2015 confirmed that the site is somewhat cleared along most of the property, with some of the clearing as a result of development associated with the previous subdivision. According to the Environmental Assessment, the amount of timber harvesting that has taken place in the past has resulted in little merchantable timber left on the subject property. Additionally, the application includes average annual precipitation data from NRIS which shows the area at that elevation received roughly 20-24 inches of rain per year between 1961-1990 which is much less than the 60-80 inches of rain received in the Swan Valley, an area historically associated with timber production. Based on this information, it would appear that significant impacts on agriculture associated with this subdivision will be minimal.

Finding #1

The development's impact on agriculture would be minimal as only limited merchantable timber exists on the property and conditions are not ideal for timber production or any other type of agriculture.

ii. Impact on Agricultural Water User Facilities

The subject property is not developed with irrigation infrastructure, is not in an irrigation district or party to any irrigation agreements, and serves no irrigation water to adjacent or neighboring properties.

Finding #2

There would be no impact to agricultural water user facilities because the subject property is not currently irrigated for agricultural purposes, has no irrigation infrastructure on established site, is not in an irrigation district, and is not party to any apparent existing irrigation agreements.

iii. Impact on Local Services

1. Water and Wastewater

The subdivision proposal establishes a new public water system to serve the 15 lots which would consist of two wells and pump house located on the common lot. Each lot will be connected via the system main which will be located under Ridgeline Court and the common lot. A hydraulic analysis submitted with the application indicates that the system will be designed to accommodate 8507 gallons per day (gpd) for residential domestic and irrigation use as well as 2671 for the common lot irrigation.

Comment from Marc Pitman from DNRC indicates that the applicants will be required to request a DNRC water right review in accordance with ARM 17.36.103(1)(s). The developer will be required to demonstrate the necessary ground water certificate or water right permit has been acquired as applicable for the use of groundwater to serve the subdivision prior to final plat.

The Environmental Assessment and the draft Water Well Agreement indicates that "the water system will be owned and operated by the Ridgeline Cabins HOA consisting of the 15 parcels described below, an independent utility contractor, or the Lakeside County Water and Sewer District." This statement appears to be acceptable during review as all of the three proposed water operators would utilize the public water system as proposed. While Section 4.4.1(b)(iii) notes that changes to water or septic proposals may constitute a material change, staff has considered the change in operator of the system to be different than the change in the physical system infrastructure and as such a variable that can be left undecided until circumstances allow.

The application also notes that the lots will be connected to Lakeside Sewer via an existing sewer main located along Ridge Line Drive. The preliminary plat shows an extension to this main will also be extended along Ridge Line Court during road construction and each lot will be able to connect to this sewer main. A letter from the Lakeside County Water and Sewer District dated January 16, 2015 indicates they will serve the 15 lots with sewer services.

While the plat shows the water and sewer mains are located within road easements or on the common lot, some extensions appear to be located across lot lines. Section 4.7.23 FCSR states “easements shall be provided for all utilities” and in order to comply with county regulations, each lot shall be directly connected to the main or, if the connection crosses lot lines, the shared utility shall be located with a utility easement. The CC&Rs provided with the application note that a 20’ utility easement on all lot sides has been reserved by the HOA to accommodate utilities. It appears that this easement, if noted on the preliminary plat, would adequately satisfy Section 4.7.23 FCSR. As with all subdivisions, both water and sewer services for the proposed subdivision would be required to be reviewed and approved as applicable by the Montana Department of Environmental Quality.

2. Schools

The proposal is located in the Somers-Lakeside School District 29 for grades K-8 which would include Lakeside Elementary School and Somers Middle School and Flathead High School for grades 9-12. Lakeside Elementary School is located approximately 3 road miles from the subdivision, Somers Middle School is about 8.5 miles away, and Flathead High School is approximately 16 miles from the subdivision.

According to the Environmental Assessment, 15 lots would generate 3-5 K-8 students and approximately 1-3 high school students. The applicants have stated in the application and environmental assessment that the proposed subdivision will primarily be for seasonal, recreational, or retirement homes. For this reason, the applicant has suggested that the number of school age children will be less than in the average subdivision in Flathead County. However, it seems reasonable to require the subdivision to demonstrate adequate school facilities are available to all of the potential students. According to the EA, the Superintendent of the Somers-Lakeside School District #29, Paul Jenkins, is cited as explaining ‘present facilities were adequate to handle the additional students at the K-8 level.’ The EA also cites Mark Flatau, superintendent of School District #5 as also having capacity to serve high school age students. However, Mr. Flatau expressed concern about transportation, explaining that a Somers/Lakeside bus route passes the development along Highway 93 but a designated bus stop does not currently exist.

While an agency referral was sent to both school districts, no response was obtained at the time this staff report was written. Section 4.7.29 FCSR notes “the Commission shall, at the request of the school district, require that school bus stops be incorporated into the preliminary plat design to accommodate school children.” As no specific requests were made, and the proposal is located within a larger gated development, requiring a bus stop on Highway 93 does not appear to be proportional to the impact of the students from this 15 lot subdivision.

Mail Delivery

The developer is proposing a centralized mailbox to serve the 15 proposed lots. The location of the centralized mail facility serving the proposed subdivision would likely be in the same spot as the centralized mailbox serving the Eagle’s Development Phase 3. However, the proposed mailbox location shall require review and written approval from the local postmaster as a condition of final plat approval.

3. Recreation

The proposal is located in an area with some opportunities for recreation, including the Lakeside Docks and Boat Access to Flathead Lake approximately 1.5 miles away, a private air strip directly ¼ mile southeast, and West Shore State Park approximately 10 miles away.

While the proposed subdivision is located within the Eagle's Crest Development, the combination of plats that make up the development were all created without parks as the applicants provided cash-in-lieu of parkland or were exempt from parkland dedication. The preliminary plat of Eagle's Crest Heights was granted in 2007 which included 26.64 acres of common space intended to serve as dedicated parkland to be maintained by the HOA. As the preliminary plat is still under extension and thus has not been granted final plat approval, it is premature to consider this acreage as parkland open to residents of the Ridgeline Cabins subdivision. While the preliminary plat of the proposed subdivision includes 2.52 acres of common space, Section 4.7.24 (d)(ii) notes parkland dedication may be waived by the Commission if "the subdivider proposes to dedicate parkland, within the subdivision and maintained by the home owners association in an amount equal to or exceeding the area required pursuant to Subsection (e)." As there is no explicit language within the Eagle Crest Homeowners Association CC&Rs submitted with the application, waiver of parkland dedication per Section 4.7.24(d)(ii) will require that the CC&Rs are amended to include maintenance provisions of the common lot within the subdivision.

4. Roads

As shown on the preliminary plat and described in the submitted documents, primary access to the subdivision would be Ridge Line Drive, an existing paved private road. Lots 1-8 would have direct access to Ridge Line Drive while Lots 9-15 would be accessed by a proposed internal subdivision road, Ridge Line Court, culminating in a cul-de-sac. Both the internal subdivision road and the cul-de-sac would be required to be developed to standards outlined in the Flathead County Road and Bridge Department *Minimum Standards for Design and Construction*.

The proposed subdivision is within a larger development with a gated access from Highway 93. The application includes draft CC&R's which address long-term maintenance of the private roads, specifically establishing maintenance as a responsibility of the Eagle's Crest Homeowners Association per Section 7.1 of the Declaration. Pursuant to Section 4.7.15(d) FCSR, lot owners of the proposed Ridgeline Cabins Subdivision "... shall be required to pay a pro-rata share of road maintenance for the shared portion of the existing subdivision roads..." providing access to the subdivision. As the CC&Rs were developed for the greater development for which this subdivision is a part, it appears that the mechanism for maintenance as it exists complies with the requirement of Section 4.7.15(d).

5. Fire/Emergency Medical Services

The site is not currently located within a fire district and as such is within the jurisdiction of the DNRC. According to the application materials, the developer is currently negotiating annexation into the Lakeside-Somers Fire District. Applicants have been in contact with the local Fire Chief to accommodate requirements for annexation. According to a letter dated April 15, 2015, the district requests "3 different water sources for the Lakeside Club Development. There should be (1) at the bottom of the hill, Mailbox area,(1) By the airport runway, (1) up on top by the new area being Developed." To accommodate this request, the applicant is proposing a 10,000 gallon recharge tank on the subdivision property as described in the Fire Prevention Control and Fuels Reduction Plan. While annexation into the district appears to be dependent on development of 2 water sources on property not under consideration in the application as required by the Fire Chief and listed above, the location of a 10,000 gallon recharge tank would appear to be more than sufficient for the 15 lots. Section

4.7.26(e) FCSR note “where a water supply is proposed, the preliminary plat application shall include a maintenance plan. Legal easements for access to water supply systems shall be shown on the face of the final plat.” As the comment from the Lakeside-Somers Fire Chief was received after the application materials were submitted, it would appear to be appropriate to require the CC&Rs be amended to include maintenance language for the recharge tank which should be located within the common area.

While the Fire Prevention Control and Fuels Reduction Plan was submitted and indicates that thinning has occurred in the past, it is reasonable to expect new growth to occur. The plan indicates that the lot will undergo further thinning once houses are constructed and the CC&Rs require “each lot owner shall be responsible for creating and maintaining a wild fire “defensible space around each primary structure as described in Appendix G of the Flathead County Subdivision Regulations.” However, the CC&Rs and Fire Prevention Control and Fuels Reduction Plan should also be amended to include a section on thinning in the future as vegetation and potential “ladder fuels” develop. As Section 4.0.10 FCSR explain that CC&Rs may be used for Wildland Urban Interface mitigation, this language appears to be appropriate if followed in conjunction with the Fire Prevention Control and Fuels Reduction Plan and other standard conditions. The Fire Prevention Control and Fuels Reduction Plan also notes that a pond .5 acres in size is located to the southeast of the property by the private air strip that can also be utilized for firefighting purposes.

Comments were recieved from DNRC’s Fire Prevention Specialist that indicate concern relating to access of emergency vehicles into and within the subdivision. Specifically, the letter requests that “there is more than one way out, that all roads are well-marked, and that turn-around points are present and adequate. In addition, consider how all emergency responders will open the gate and access the community in an emergency.” Based on these comments and site visits conducted by staff, it appears reasonable to require dead-end signs within the Eagle Crest Development and ensure the entrance gate to the development is equipped with a siren activated opening mechanism. Additional access requirements will be discussed in Section (vii)(4) entitled Road Network.

The Kalispell Regional Medical Center is approximately 17 driving miles from the proposed subdivision, however the Environmental Assessment indicates that the ALERT air ambulance service is available to provide urgent life flight. The proposed subdivision would also be served by the Lakeside Quick Response Unit (QRU) which is approximately 1.5 miles from the subdivision entrance.

6. Police Services

The property is located in an unincorporated area of Flathead County and is therefore served by the Flathead County Sheriff. Although solicited, the Sheriff’s Department has provided no comment. Given existing staffing levels, the size of the County and the dispersed nature of the population, service to this subdivision is anticipated to be consistent with other unincorporated rural areas of Flathead County and delayed response times may be experienced.

7. Solid Waste Disposal

The developer is proposing contract haul as a mechanism for solid waste disposal as required of all subdivisions. Additionally, due to the forested nature of the proposed subdivision, the CC&Rs provide requirements for solid waste storage and removal to avoid unwanted interaction with wildlife and particularly bears.

8. Other Utilities

As indicated in the application, Flathead Electric will provide electrical power and CenturyTel will provide telephone service. Electric and telephone, and cable/internet utilities

are required to be placed underground within the existing and proposed utility easements to serve the lots within the subdivision.

Finding #3- The proposal to establish a new public water system and utilize Lakeside Sewer to serve all lots of the subdivision appears to be acceptable because the submitted application materials and agency comments indicate no environmental constraints, the 20' utility easements listed in the CC&Rs shall be established on the plat, a draft Water Well Agreement appears appropriate at this time, and both water and sewer services for the proposed subdivision would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

Finding #4- Adverse impacts related to recreation are not anticipated as a result of the proposed subdivision because a 2.5 acres common lot has been proposed that, if CC&Rs are amended to explicitly describe maintenance, can satisfy parkland requirements of Section 4.7.24 FCSR.

Finding #5- The proposed internal road network appears reasonable because primary access to the subdivision exists via Ridge Line Drive, all lots would have legal and physical access to a local road, the internal subdivision road and cul-de-sac would be designed and constructed to comply with the standards outlined in the Flathead County Road and Bridge Department's *Minimum Standards For Design and Construction*, and the maintenance provisions outlined in the CC&Rs appear to sufficiently comply with the Flathead County Subdivision Regulations.

Finding #6- The subject property is currently not located within the Somers-Lakeside Fire District but efforts are being made to accommodate requests made by the local Fire Chief in order to annex into the district. Impact on fire and emergency medical services will be appropriate with imposed conditions as the placement of a 10,000 gallon recharge tank on the subject property would accommodate fire hazards if a maintenance plan is developed, CC&Rs require defensible spaces to be built around each home, a siren activated opening mechanism shall be installed for emergency vehicles, and emergency medical services exist in the vicinity to accommodate residents.

Finding #7- Effects of the proposed subdivision on local services would be minimal with imposed conditions because necessary utilities are currently available to the property within access and utility easements, the area is served by schools which appear to have adequate capacity to accommodate additional students from the subdivision, there is potential to establish a bus stop along Highway 93 in the future, and a compliant mechanism for long-term maintenance of roads and fire suppression infrastructure is capable of being established through the CC&R's of the subdivision.

Finding #8- Impacts to the other criteria discussed relative to 'impact on local services' would be minimal and acceptable with the imposition of conditions because the subject property and the primary accesses have no apparent physical constraints which cannot be adequately addressed through conditions of approval.

iv. Impact on the Natural Environment

1. Water Quality

There are no surface waters, shallow groundwater, or wetland areas on the subject property and the nearest surface water is that of Flathead Lake approximately 1 mile east of the subdivision. The site's hilly terrain consists almost entirely of Kingspoint-Rock outcrop complex comprised of well drained gravelly silt loams that, due to the slopes, has a high runoff class. While runoff potential is high, a stormwater management plan was submitted with the application that shows roadside swales, check dams, and retention devices to encourage evaporation and absorption into the ground. Based on the diagram of the stormwater management plan, all of the proposed devices will be located within a road or

utility easement. No runoff into a natural water body is anticipated with this proposed subdivision. Prior to final plat approval overall suitability regarding the sewage treatment system, water supply and storm drainage would be determined through review by the Subdivision Section of the Department of Environmental Quality for compliance with the Sanitation in Subdivisions Act.

2. Air Quality

As the subdivision is accessed by a paved private road and the internal subdivision road is proposed to be paved, lasting impacts to air quality are not anticipated as a result of the subdivision. The applicant has submitted a “Dust and Air Pollution Control and Mitigation Plan” compliant with Section 4.7.14 FCSR. A note should be required to be placed on the face of the final plat that requires the owners of all lots abide by the guidelines set forth in the plan during site construction and development activities.

3. Impact of Noise

Development of residences on the subdivision lots would likely generate minimal noise during construction, and it is not likely that all would be built simultaneously. The proposed residential use is not anticipated to generate permanent continuous impacting noise to area residents or wildlife. However, the property is located approximately ¼ mile northwest of a private air strip which may present some noise. As the airstrip is private and the area between the subdivision and the lot with the airstrip is naturally forested, it does not appear that the effects of noise would be incompatible with the subdivision. Additionally, the CC&Rs include the statement “Lot Owners are advised that they are moving into a community that may include a private airstrip for light aircraft. Lot Owners shall not interfere with the operation of said airstrip and shall abide by all reasonable rules and regulations promulgated by the Association in connection therewith.”

4. Impact to Flora

The subject property contains no surface waters, wetland or riparian vegetation but is relatively forested. Impact to flora will likely occur due to construction of internal roads and driveways, particularly with substantial cuts of 3 feet or greater around Ridgeline Court where it traverses steep slopes. A Cut and Fill plan was provided by the applicant which illustrates that the common area, the internal subdivision road, and some of the driveways will be subject to significant cut and fill which could impact flora if the exposed soils are allowed to erode without mitigation. Pursuant to Section 4.7.13 (g) FCSR all areas disturbed during development shall be re-vegetated. With the exception of vegetation impacted by road development activities, impact to flora is anticipated to be minimal and limited to the necessary clearing for building sites. To minimize propagation of noxious weeds resulting from land disturbance the developer would be required to establish and follow an approved Soil Disturbance and Weed Management Plan prior to final plat pursuant to Section 4.7.25 FCSR.

5. Impact to Floodplain

According to FIRM Panel 2725G the subject property is not located in a special flood hazard area and is outside of the 0.2% annual chance flood area.

6. Impact to Riparian/Wetland Areas

There would be no impact to riparian or wetland areas because no riparian or wetland areas occur on the subject property, and there are no natural surface waters located on or adjacent to the site.

7. Impact to Historical Features

The Environmental Assessment indicates there are no known historic, archeological, or cultural sites on the subject property.

Finding #9- Adverse impacts to water quality as a result of the subdivision are not anticipated because there is no surface waters, shallow groundwater, or wetland on or within vicinity of the proposed subdivision, and the water supply, wastewater treatment, and stormwater management appear to have minimal impact on the natural environment and would be required to meet applicable requirements of the Montana Department of Environmental Quality.

Finding #10- Although noise impacts as a result of the subdivision will be minor and short term, impacts of noise on the subdivision may exist as the subject property is located within ¼ miles of a private air strip.

Finding #11- Impacts to flora may occur unless mitigated as areas of cut and fill 3 feet or greater will result with the construction of the internal subdivision road and driveways which could allow erosion unless disturbed areas are re-vegetated as required pursuant to Section 4.7.13 (g) FCSR and as noted in the submitted Dust Control Plan submitted with the application.

Finding #12- There is no anticipated impact to floodplain because the subject property is not located in a special flood hazard area and is outside of the 0.2% annual chance flood area.

v. Impact on Wildlife

Given the rural location and forested nature of the subject property, some level of impact to wildlife can be expected as a result of the proposed subdivision. In 2006, Herrera Environmental conducted a habitat assessment on the subject property and surrounding area and the information is included in the Environmental Assessment. Based upon provided documentation, the area of the county in which the subdivision is located is year-round elk, white-tailed and mule deer habitat as well as important winter range for elk; there are also black bears, mountain lions, smaller mammals, grouse, osprey, northern goshawk and songbirds. Additionally, the Herrera Environmental documentation notes that bald eagle, Canada lynx, and grizzly bear are the only rare or endangered species in the vicinity, but explain how each of the three species would not be impacted by the development due to the specific habitat requirements of each species as well as the location of sightings.

Any type and scale of development can be expected to have an impact on wildlife in some way, particularly when it is located in a relatively forested area of the County. Of note is the impact on elk. The EA explains “according to Montana FWP biologists, elk tend to favor south facing slopes and windy ridges for winter and early spring habitat. FWP biologists estimate there to be between 20 and 25 elk that move through the project area generally in a north-south direction.” Based on this discussion, the site’s topography, and the size of the lots proposed, impact to elk is expected. One way to partially offset impacts to area wildlife such as elk is to ensure the future lots owners are aware of their surroundings and the presence of wildlife in and around the subject property. While the CC&Rs include Exhibit B “Guidelines for Living with Wildlife” a statement to the face of the final plat should also be included to make homeowners aware of living with wildlife.

Finding #13- Impacts to wildlife are anticipated due to the rural forested nature of the area which is occupied by populations of a variety of game and non-game species of animals, particularly elk which prefer habitat similar to what exists on and surrounding the subject property.

vi. Impact on Wildlife Habitat

As previously described, the subject property is characterized as a forested area within a previously subdivided property with an average density of 1 dwelling per 5.61 acres. While the subject property does not contain any riparian areas, wetlands, or natural water bodies, the type of

terrain is important wildlife habitat for elk which prefer south facing slopes. It appears that although the proposed subdivision contains a common space within its boundaries, the average size of the lots (approximately .7 acres) indicate that elk habitat or migration could not be accommodated on the subject property as is. However, the proposed subdivision is located within a bigger development consisting of platted subdivisions with larger lot sizes than exist in this proposal. As of the time this staff report was written, no comment from Montana Fish, Wildlife and Parks was received by our office which suggests that the proposal will have an acceptable level of impact on wildlife and wildlife habitat.

Finding #14- Impacts to wildlife habitat as a result of the proposed subdivision are anticipated because there would be 15 relatively small residential lots established on the subject property which provides general habitat to many documented species of animals and winter habitat to large game animals, effectively removing habitat and preventing migration on the subject property which may only be accommodated via surrounding larger lots.

vii. Impact on Public Health and Safety

1. Flood Risk

The subject property has no streams, wetlands or lakes, and according to FEMA FIRM Panel 2725G, the subdivision is located in an area designated as Zone X - outside of the 0.2% annual chance floodplain. Therefore the proposal would not introduce adverse impacts to public health and safety in regard to flooding.

2. Water and Wastewater Treatment

All lots are proposed to be served by a connection to the proposed public water system. Lots would also be served by the existing Lakeside Sewer which currently has a sewer main located along Ridge Line Drive. The proposed use of public systems for water and sewer is subject to high levels of monitoring which ensure safety for users.

The Environmental Assessment and the draft Water Well Agreement indicates that “the water system will be owned and operated by the Ridgeline Cabins HOA consisting of the 15 parcels described below, and independent utility contractor, or the Lakeside County Water and Sewer District.” This statement appears to be acceptable during review as all of the three proposed water operators would utilize the public water system as proposed. While Section 4.4.1(b)(iii) notes that changes to water or septic proposals may constitute a material change, staff has considered the change in operator of the system to be different than the change in the physical system infrastructure and as such a variable that can be left undecided until circumstances permit. All extensions and connections to the public water and sewer systems would be required to be reviewed and approved by the Lakeside Water and Sewer District, the Flathead County Environmental Health Department and the Montana Department of Environmental Quality, as applicable.

3. Stormwater

The submitted stormwater plan establishes the conceptual plan for stormwater management and indicates only minimal stormwater will be allowed to drain off the property via designated outlets located along the edge of Lots 1,10,11, 14,15 and the common lot. The plan appears to adequately manage excess stormwater as a result of the subdivision through a roadside swales and stormwater detention ponds. Since the CC&Rs note “an easement twenty (20) feet in width on each side of all of the boundaries of all Lots (forty feet total) is hereby reserved and retained by the Declarant for access, ingress, egress, installation, construction, maintenance, and repair of utilities, including, but not limited to water, sewer, telecommunications...gas, electric and all other utilities,” it would appear that all stormwater installations will be located within utility easements. This easement should also be labeled on the preliminary plat. As there would be more than one acre of ground disturbed through the installation of subdivision improvements it is anticipated the developer will be required to

obtain a General Permit for Stormwater Discharges Associated with Construction Activity issued by the MDEQ.

4. Road Network

As noted above, primary access to the subdivision would be from Ridge Line Drive, an existing paved, private road with direct access to Lots 9-15 from a proposed internal subdivision road, Ridge Line Court. The proposed road would be constructed and paved in compliance with currently applicable Flathead County Road and Bridge Department standards for sub-grade structure, width, and paving. Copies of the Preliminary Plat application and Environmental Assessment were provided to Dave Prunty of the Flathead County Road and Bridge Department and comment indicates no concerns which suggests the proposal is acceptable in regard to the capability of the road network to safely accommodate the new traffic of the proposed subdivision in addition to traffic already using the area roads.

The proposed subdivision is located within a larger development that currently has one gated access via Highway 93 and access to the subject property from the entrance to the development exists via Eagle's Crest Road and Trappers Creek to Ridge Line Drive. According to Section 4.7.27(c)(i):

i. Unless the subdivider installs an adequate water supply for fire suppression, the Commission shall require more than one access when the following conditions are present:

A. When the subdivision contains 10 or more lots or spaces and the road providing primary access to the subdivision is greater than one mile in length from the WUI Boundary and only provides one reasonable direction for travelling to an existing population center.

As all the lots within the greater development, including the 15 proposed lots, will utilize the same gated entrance, it was determined to be imperative that a water supply be provided for the proposed subdivision in the event of a fire in order to comply with Section 4.7.27(c)(i).

5. High Voltage Electric Lines/High Pressure Gas Lines

There are no exposed high voltage electric lines or high pressure gas lines on the subject property. Comment submitted by Bonneville Power Administration (BPA) indicates the proposal will not impact any BPA transmission line corridors, and BPA has no objections to the approval of the requests.

6. Fire and Emergency Services

As previously mentioned, the subject property is located within the Wildland Urban Interface, and therefore a Fire Prevention and Fuels Reduction Plan was submitted to address concerns pertaining to fire hazards. According to the plan, the applicants have indicated that the area has been historically thinned which was confirmed upon staff visits to the site. However, portions of the lot still contain significantly forested areas (see Figure 5) and will require additional thinning. Based on language outlined in the CC&Rs and as addressed in the Fire Prevention and Fuels Reduction Plan, a defensible space will be required around homes and additional thinning may be required per the architectural review committee. Per request by the DNRC, the CC&Rs and Fire Prevention and Fuels Reduction Plan should be amended to require the site to be continually assessed and thinned to avoid accumulation of "ladder fuels."

Figure 5 – Vegetation on the subject property looking north from the proposed location of the cul-de-sac



In addition to thinning, the applicant has proposed to install a 10,000 gallon recharge tank to be located within the subdivision as required by the Somers- Lakeside Fire Districts requirements for annexation. While annexation appears to be dependent on 2 other water sources located on property not currently under review, the location of this recharge tank and a .5 acre pond located about ¼ mile southeast should be more than enough to accommodate the 15 lots. This recharge tank will also satisfy requirements of 4.7.27(c)(i) previously discussed.

7. Geologic Hazards

The subdivision has rolling terrain with relatively steep ridges to the east and west of the subject property. As indicated on the preliminary plat, the proposed building sites and driveways for each lot are situated upon comparatively flat areas on each lot or cut and fill will ensure driveways and roads meet standards outlined in Section 4.7.7(e) and the *Minimum Standards for Design and Construction*. In certain locations internal roads traverse steep slopes resulting in road cuts exposing the underlying soil and rock strata. While the submitted application indicates no unstable soils or significant geologic hazards present on the subject property, the exposed road cut and fill areas appear to have the potential for substantial erosion unless mitigation measure are taken to stabilize the slopes with ongoing best management practices including re-vegetation where possible. The submitted Dust Control notes “native vegetation will be retained to the greatest extent possible by additional vegetative cover will be provided in disturbing areas as require to minimize erosion and control dust.”

While a Access Drives and Building Pads map was submitted that building pads on Lots 2-15 are located on slopes less than 25% , Lot 1 is located on a slope 24-26% slope and therefore will be required to undergo a geo-technical soils analysis conducted by a licensed professional engineer prior to final plat approval as required by Section 4.7.7(d) FCSR.

8. Avalanche Hazards

As the subject property is located in mountainous terrain, potential for avalanche exists. According to the Forest Service National Avalanche Center¹, avalanches most likely occur on slopes of greater than 30% when snowpack exists and when disturbed by natural factors, such as wind or rising temperatures, or by human disturbance. Although the subject property almost entirely consists of slopes less than 40% and most are less than 20%, topographic data on the preliminary plat indicates that surrounding lots contain slopes within the 25-50% slopes for which avalanches may take place. However, the slope directly to the west of the subject property is fairly forested and rises only 138 feet from the edge of Ridge Line Drive. For this reason, avalanche hazards appear to be minimal. Figure 6 illustrates the terrain to the west of the property.

Figure 6 – Height and slope of adjacent property looking west from the subject property



9. Airport Influence Areas

Although the subject property is located within ¼ mile from a private air strip, the property is not located within a designated Airport Influence Area.

10. Soils

As indicated in submitted application materials, soils on the subject property consist of almost entirely Kingspoint-Rock outcrop complex 8-30 percent slope generally described as well drained gravelly silt loams. It is anticipated soils on site would not pose a risk for health and safety for typical residential uses, public water utilities, and road development, as other area properties and roads similarly situated appear to be developed with adequate stability.

Finding #15- The proposal would not introduce adverse impacts to public health and safety in regard to flooding because the subject property has no streams or other surface waters, and according to FEMA FIRM Panels 2725G, the subject property is located outside of the 0.2% annual chance flood area.

¹ Get the Training, US Forest Service National Avalanche Center. <http://www.fsavalanche.org/get-the-training>

Finding #16- While the proposal location is within area mapped as Wildland Urban Interface, the effects of this proposed subdivision on public health and safety appear to be acceptable with the imposition of conditions regarding implementation of the ‘Fire Prevention, Control, and Fuels Reduction Plan’ because adequate physical and legal access to the site is currently provided, adequate emergency services are available, the Plan will be amended to include the subdivision would be equipped with a 10,000 gallon recharge tank and the CC&Rs require a defensible space to be developed around homes throughout the subdivision.

Finding #17- The proposed 10,000 gallon recharge tank will be appropriate mitigation for fire hazards if a maintenance plan or provisions in the CC&Rs are established pursuant to Section 4.7.26(e).

Finding #18- Impacts of the proposed subdivision on the area road network appear to be acceptable with the imposition of conditions because all roads are paved, legal and physical access exists to all lots, and despite being in the WUI and having one access from the development, the 10,000 gallon recharge tank should satisfy requirements outlined in Section 4.7.27(c)(i).

Finding #19- Geologic hazards may be present but appear to be acceptable with the imposition of conditions because the relatively steep terrain of the area requires cut and fill along roads and driveways that may result in erosion and slope instability unless best management practices and re-vegetation occur.

Finding #20- Geologic hazards associated with steep slopes will be mitigated on Lot 1 which has a building pad located on a slope 24-26% slope if a geo-technical soils analysis is conducted by a licensed professional engineer prior to final plat approval as required by Section 4.7.7(d) FCSR.

Finding #21- Minimal risks to public health and safety are anticipated with the imposition of conditions because the site is not located in a special flood hazard area; the proposal for water, sanitation, and stormwater will be required; each lot has adequate legal and physical access; and there are no high voltage electric or high pressure gas lines on or around the subject property.

Finding #22- While the slopes of the adjacent property and the potential for increased human disturbance to the natural environment indicate that avalanche hazards may exist on the property, the extent of the nearby slope suggests avalanche hazards will be minimal.

B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.

Finding #23- The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

C. Compliance with the Flathead County Subdivision Regulations

Finding #24- No variances are requested or required. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective December 1, 2014 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions. The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 1, 2014.

D. Compliance with the Flathead County Subdivision Review Procedure

i. Pre-application Conference Date

November 17, 2014

ii. Application Deadline Date (6 months from pre-application)

- May 17, 2015
- iii. **Application Submittal Date**
January 21, 2015
 - iv. **Completeness Date**
Incomplete – January 28, 2015
Complete – March 2, 2015
 - v. **Sufficiency Date**
Insufficient – March 23, 2015
Sufficient – April 24, 2015
 - vi. **Agency Referral Requests Mailing Date**
April 28, 2014
 - vii. **Adjacent Property Notification Mailing Date**
May 20, 2015
 - viii. **Legal Notice Publication Date**
May 19, 2015
 - ix. **On-site Posting of Public Hearing Date**
May 22, 2015

Finding #25- The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 1, 2014.

E. Provision of Easements for the Location and Installation of Planned Utilities

Finding #26- The preliminary plat identifies almost all of the easements required for utilities to serve the subdivision but does not illustrate the 20' easement around each lot as described in the CC&Rs. As this easement is required to accommodate utilities and stormwater infrastructure, it is required to be placed on the plat. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

F. Provision of Legal and Physical Access to Each Parcel

Finding #27- Ridge Line Drive would provide legal and physical access to the subdivision and direct access to Lots 1-8 while the proposed internal subdivision road, Ridge Line Court, would provide legal and physical access to Lots 9-15 as well as the common area. The road system would be privately maintained, occurring within a 60 foot wide private road and utility easement, and would be constructed and paved in compliance with applicable Flathead County standards.

G. Review of Applicable Plans

76-1-605(2)(b) M.C.A states that “A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter.” Furthermore, 76-3-608(3) M.C.A. does not contain compliance with the growth policy as a primary criteria by which an individual subdivision proposal must undergo local government review or on which findings of fact are to be based. Review of general conformance with applicable plans is provided as an acknowledgement and consideration of the guidance offered by the information contained in the document(s).

i. Neighborhood Plan

The proposed Ridgeline Cabins subdivision is located within the Lakeside Neighborhood Plan Area. The Lakeside Neighborhood Plan was adopted in 1994 and amended in 2010 and includes goals and policies for development in the area. It appears that the proposal substantially meets the guidance of the neighborhood plan because the area is designated as “Suburban Mixed” which allows for single family dwellings, the proposal will utilize

Lakeside sewer services and not individual septic systems, is considered a cluster development when looking at the Eagle's Crest development as a whole, and follows the guidelines established in *Section 6.1.7 Lakeside Club (aka Eagle's Crest) Status*. Specifically, the subdivision would include "underground utility power, paved roads, central sewer, and use of clustering to preserve open spaces and wildlife corridors." Although this subdivision does not meet the 2.4 acre density specified in the Lakeside Neighborhood Plan, calculations produced by APEC Engineering indicate the total Eagle's Crest Development will have a density of 4.85 acres/lot which is well above the 2.4 acre density.

ii. Flathead County Growth Policy

The Flathead County Growth Policy is a general policy document that meets the requirements of 76-1-601, M.C.A. and was updated on October 12, 2012. While the location is in an area of the county that is un-designated in terms of land-use on the Flathead County Designated Land Use Map, it occurs in a rural agricultural/silvicultural area and the proposal appears to substantially meet the general goals and policies applicable to agricultural and residential uses and appears to meet relevant goals and policies applicable to sanitation and access to available services, as defined in Chapters 2-8 of the Flathead County Growth Policy. Regulations adopted by Flathead County used in the review of subdivisions are an implementation of the goals and policies established in the Growth Policy. This proposal conforms to the regulations used in the review of subdivision in Flathead County and is therefore in general compliance with the Flathead County Growth Policy.

H. Compliance with Local Zoning

The proposed subdivision is located in an area of Flathead County that is presently unzoned. Therefore compliance with local zoning is not applicable nor required as part of this subdivision application and review.

Finding #28

The proposed subdivision is located in an unzoned area of Flathead County is not required to comply with local zoning regulations because no such zoning exists that is applicable to the subject property.

V. SUMMARY OF FINDINGS

Finding #1- The development's impact on agriculture would be minimal as only limited merchantable timber exists on the property and conditions are not ideal for timber production or any other type of agriculture.

Finding #2- There would be no impact to agricultural water user facilities because the subject property is not currently irrigated for agricultural purposes, has no irrigation infrastructure on established site, is not in an irrigation district, and is not party to any apparent existing irrigation agreements.

Finding #3- The proposal to establish a new public water system and utilize Lakeside Sewer to serve all lots of the subdivision appears to be acceptable because the submitted application materials and agency comments indicate no environmental constraints, the 20' utility easements listed in the CC&Rs shall be established on the plat, a draft Water Well Agreement appears appropriate at this time, and both water and sewer services for the proposed subdivision would be required to be reviewed and approved as applicable by the Flathead County Environmental Health Department and the Montana Department of Environmental Quality.

Finding #4- Adverse impacts related to recreation are not anticipated as a result of the proposed subdivision because a 2.5 acres common lot has been proposed that, if CC&Rs are amended to explicitly describe maintenance, can satisfy parkland requirements of Section 4.7.24 FCSR.

Finding #5- The proposed internal road network appears reasonable because primary access to the subdivision exists via Ridge Line Drive, all lots would have legal and physical access to a local road, the internal subdivision road and cul-de-sac would be designed and constructed to comply with the standards outlined in the Flathead County Road and Bridge Department's *Minimum Standards For Design and Construction*, and the maintenance provisions outlined in the CC&Rs appear to sufficiently comply with the Flathead County Subdivision Regulations.

Finding #6- The subject property is currently not located within the Somers-Lakeside Fire District but efforts are being made to accommodate requests made by the local Fire Chief in order to annex into the district. Impact on fire and emergency medical services will be appropriate with imposed conditions as the placement of a 10,000 gallon recharge tank on the subject property would accommodate fire hazards if a maintenance plan is developed, CC&Rs require defensible spaces to be built around each home, a siren activated opening mechanism shall be installed for emergency vehicles, and emergency medical services exist in the vicinity to accommodate residents.

Finding #7- Effects of the proposed subdivision on local services would be minimal with imposed conditions because necessary utilities are currently available to the property within access and utility easements, the area is served by schools which appear to have adequate capacity to accommodate additional students from the subdivision, there is potential to establish a bus stop along Highway 93 in the future, and a compliant mechanism for long-term maintenance of roads and fire suppression infrastructure is capable of being established through the CC&R's of the subdivision.

Finding #8- Impacts to the other criteria discussed relative to 'impact on local services' would be minimal and acceptable with the imposition of conditions because the subject property and the primary accesses have no apparent physical constraints which cannot be adequately addressed through conditions of approval.

Finding #9- Adverse impacts to water quality as a result of the subdivision are not anticipated because there is no surface waters, shallow groundwater, or wetland on or within vicinity of the proposed subdivision, and the water supply, wastewater treatment, and stormwater management appear to have minimal impact on the natural environment and would be required to meet applicable requirements of the Montana Department of Environmental Quality.

Finding #10- Although noise impacts as a result of the subdivision will be minor and short term, impacts of noise on the subdivision may exist as the subject property is located within ¼ miles of a private air strip.

Finding #11- Impacts to flora may occur unless mitigated as areas of cut and fill 3 feet or greater will result with the construction of the internal subdivision road and driveways which could allow erosion unless disturbed areas are re-vegetated as required pursuant to Section 4.7.13 (g) FCSR and as noted in the submitted Dust Control Plan submitted with the application.

Finding #12- There is no anticipated impact to floodplain because the subject property is not located in a special flood hazard area and is outside of the 0.2% annual chance flood area.

Finding #13- Impacts to wildlife are anticipated due to the rural forested nature of the area which is occupied by populations of a variety of game and non-game species of animals, particularly elk which prefer habitat similar to what exists on and surrounding the subject property.

Finding #14- Impacts to wildlife habitat as a result of the proposed subdivision are anticipated because there would be 15 relatively small residential lots established on the subject property which provides general habitat to many documented species of animals and winter habitat to large game animals, effectively removing habitat and preventing migration on the subject property which may only be accommodated via surrounding larger lots.

Finding #15- The proposal would not introduce adverse impacts to public health and safety in regard to flooding because the subject property has no streams or other surface waters, and according to FEMA FIRM Panels 2725G, the subject property is located outside of the 0.2% annual chance flood area.

Finding #16- While the proposal location is within area mapped as Wildland Urban Interface, the effects of this proposed subdivision on public health and safety appear to be acceptable with the imposition of conditions regarding implementation of the 'Fire Prevention, Control, and Fuels Reduction Plan' because adequate physical and legal access to the site is currently provided, adequate emergency services are available, the subdivision would be equipped with a 10,000 gallon recharge tank and the CC&Rs require a defensible space to be developed around homes throughout the subdivision.

Finding #17- The proposed 10,000 gallon recharge tank will be appropriate mitigation for fire hazards if a maintenance plan or provisions in the CC&Rs are established pursuant to Section 4.7.26(e).

Finding #18- Impacts of the proposed subdivision on the area road network appear to be acceptable with the imposition of conditions because all roads are paved, legal and physical access exists to all lots, and despite being in the WUI and having one access from the development, the 10,000 gallon recharge tank should satisfy requirements outlined in Section 4.7.27(c)(i).

Finding #19- Geologic hazards may be present but appear to be acceptable with the imposition of conditions because the relatively steep terrain of the area requires cut and fill along roads and driveways that may result in erosion and slope instability unless best management practices and re-vegetation occur.

Finding #20- Geologic hazards associated with steep slopes will be mitigated on Lot 1 which has a building pad located on a slope 24-26% slope if a geo-technical soils analysis is conducted by a licensed professional engineer prior to final plat approval as required by Section 4.7.7(d) FCSR.

Finding #21- Minimal risks to public health and safety are anticipated with the imposition of conditions because the site is not located in a special flood hazard area; the proposal for water, sanitation, and stormwater will be required; each lot has adequate legal and physical access; and there are no high voltage electric or high pressure gas lines on or around the subject property.

Finding #22- While the slopes of the adjacent property and the potential for increased human disturbance to the natural environment indicate that avalanche hazards may exist on the property, the extent of the nearby slope suggests avalanche hazards will be minimal.

Finding #23- The preliminary plat would conform to all provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet state survey requirements, which would be determined when it is reviewed by the Flathead County Examining Land Surveyor prior to final plat approval.

Finding #24- No variances are requested or required. The proposed subdivision is in general compliance with the Flathead County Subdivision Regulations, effective December 1, 2014 as compliant legal and physical access would be provided and potential impacts to the primary review criteria appear able to be adequately addressed by conditions. The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 1, 2014.

Finding #25- The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section 4.4 of the Flathead County Subdivision Regulations effective December 1, 2014.

Finding #26- The preliminary plat identifies almost all of the easements required for utilities to serve the subdivision but does not illustrate the 20' easement around each lot as described in the CC&Rs. As this easement is required to accommodate utilities and stormwater infrastructure, it is required to be placed on the plat. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Flathead County Subdivision Regulations.

Finding #27- Ridge Line Drive would provide legal and physical access to the subdivision and direct access to Lots 1-8 while the proposed internal subdivision road, Ridge Line Court, would provide legal and physical access to Lots 9-15 as well as the common area. The road system would be privately maintained, occurring within a 60 foot wide private road and utility easement, and would be constructed and paved in compliance with applicable Flathead County standards.

Finding #28

The proposed subdivision is located in an unzoned area of Flathead County is not required to comply with local zoning regulations because no such zoning exists that is applicable to the subject property.

VI. CONCLUSION

In accordance with the provisions of Section 4.4 of the Flathead County Subdivision Regulations, a review and evaluation of the major subdivision application has been completed by the staff of the Planning Board. The proposed subdivision appears to generally comply with the applicable design standards and subdivision review criteria found in Section 4.7 FCSR, pursuant to draft Findings of Fact prepared herein, or identified impacts can be mitigated with conditions of approval. Should the Planning Board forward a recommendation of approval of this subdivision to the Flathead County Commissioners, the following conditions should be considered to supplement that recommendation.

VII. CONDITIONS

A. Standard Conditions

1. The developer shall receive physical addresses in accordance with Flathead County Resolution #1626C. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Section 4.7.16(g)(iv), 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The developer shall comply with reasonable fire suppression and access requirements of the applicable Fire District. A letter from the fire chief stating that the plat meets the requirements of the Fire District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b), FCSR]
3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25, FCSR]
4. Design and construction of all internal subdivision roads shall be certified by a licensed engineer and constructed and paved as proposed in accordance with the *Flathead County Minimum Standards for Design and Construction*, as applicable. [Sections 4.7.16, 4.7.17 FCSR]
5. With the application for final plat, the developer shall provide a compliant Road Users' Agreement or CC&R document which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR]
6. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23, FCSR]

7. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed, approved, and permitted as applicable by the Flathead County Health Department, and approved by the Montana Department of Environmental Quality. [Sections 4.7.20, 4.7.21 FCSR]
8. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the developer has met their requirements shall be included with the application for final plat. [Section 4.7.28, FCSR]
9. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22, FCSR]
10. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
11. All road names shall be approved by Flathead County and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c), FCSR]
12. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c), FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.23, FCSR]
 - c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
 - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR]
 - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25, FCSR]
13. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
14. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Flathead County Planning & Zoning office prior to final plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
15. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16, FCSR]

16. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13, FCSR]
17. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]

B. Project-Specific Conditions

18. The following statements shall be shown on the face of the final plat:
 - f) This subdivision is located in the Wildland Urban Interface wildfire priority area where wildfires can and do occur. [Section 4.7.27(a)(ii)(A) FCSR]
 - g) Only Class A and Class B fire-rated roofing materials are allowed. [Section 4.7.27(a)(ii)(B) FCSR]
 - h) Fire-Wise defensible space standards shall be incorporated around all primary structures and improvements. [Section 4.7.27(a)(ii)(C) FCSR]
 - i) All road names are assigned by the Flathead County Address Coordinator. House numbers shall be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in height. [Section 4.7.27(a)(ii)(D)]
19. Actions called for in the 'Fire Prevention Control and Fuels Reduction Plan' shall be implemented prior to the approval of the Final Plat. The local/reviewing fire authority shall inspect the subdivision and provide written documentation that all thinning, clearing and other mitigation measures described in the plan have been completed as proposed for the subdivision. The Plan shall also be amended to require continuous thinning on the property to avoid buildup of ladder fuels. [Section 4.7.27(b)(iii) FCSR]
20. The automated gate installed at the main subdivision entrances off of Highway 93 shall be equipped with siren activated opening mechanisms meeting the specifications of the Montana Department of Natural Resources and Conservation.
21. The Final Plat is required to show the 10,000 gallon recharge tank and a Maintenance Agreement or amended CC&Rs to accommodate long-term maintenance of the recharge tank is required. [Section 4.7.26(e), 4.7.27(c)(i) FCSR]
22. The following statement shall be placed on the face of the final plat:
 - j) Lot owners are alerted to the presence of potentially dangerous wildlife in the area and are reminded that feeding big game is illegal. Lot owners are encouraged to contact the Montana Department of Fish, Wildlife, and Parks to obtain information on safely living near wildlife and minimizing habitat impact, including such things as bear proofing, pet control, wildlife friendly fencing, and removing food sources.
23. The 20' utility easement located along lot boundaries that is described in the CC&R's Section 7.2 should be illustrated on the face of the final plat. [Section 4.7.23, 4.7.13(d), FCSR]
24. Prior to final plat approval the developer shall provide evidence that all applicable water right requirements of the Department of Natural Resources Water Resources Division have been met. [Section 4.7.20(d) FCSR]
25. The CC&Rs should be amended to include language regarding maintenance of the common lot [Section 4.7.24(d)(ii), FCSR]

26. Dead-end signs shall be installed at appropriate points within Eagle's Crest Development road network to ensure safe and efficient traffic flow to, from, and within the proposed subdivision.
27. All building pads on slopes between 25 and 40 percent in cross slope shall undergo a geo-technical soils analysis conducted by a licensed professional engineer prior to final plat approval or clearly demonstrate that one is not required. [Section 4.7.7(d), FCSR]